

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

---

JESS LEVENTHAL, ET AL.,

*Plaintiffs,*

v.

THE MANDMARBLESTONE GROUP  
LLC, ET AL.,

*Defendants.*

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

CIVIL ACTION

No. 18-cv-2727

**ORDER**

**AND NOW**, this 1st day of May, 2019, upon consideration of Defendant The MandMarblestone Group, LLC's Motion to Dismiss (ECF No. 20), Defendant Nationwide Trust Company FSB's Motion to Dismiss (ECF No. 22), and the responses thereto, it is hereby **ORDERED** that:

- Defendants' Motions to Dismiss as to the breach of contract claims (Count One) and negligence claims (Count Three) are **GRANTED**; and
- Defendants' Motions to Dismiss as to the ERISA claims (Count Two) are **DENIED**.

**IT IS FURTHER ORDERED** that Defendants shall file their responsive pleadings to Plaintiffs' Complaint as to the ERISA claim (Count Two) **within seven (7) days** of this Order.

**BY THE COURT:**

*/s/ Mitchell S. Goldberg*

---

MITCHELL S. GOLDBERG, J.